



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

CERTIFIED MAIL NO. 7001 0340 0000 3639 6556
RETURN RECEIPT REQUESTED

In reply, refer to: WST-3
AZD982441263

July 28, 2003

Monte McCue
Director/Plant Manager
US Filter/Westates Carbon
2523 Mutahar Street
P.O. Box 3308
Parker, AZ 85344

Re: Notification of Intent to File a Determination of Violation, Compliance Order and Notice of Right to Request a Hearing Against US Filter/Westates Carbon

Dear Mr. McCue:

On June 19 and 20, 2001; January 24, 2002; August 29, 2002; and March 6 and 7, 2003, representatives of the United States Environmental Protection Agency ("EPA") conducted a Resource Conservation and Recovery Act ("RCRA") inspection at US Filter/Westates Carbon, located in Parker, Arizona, EPA Identification Number AZD982441263. Based on information gathered during the inspections, EPA is preparing to bring a civil administrative action against US Filter/Westates Carbon to ensure compliance and assess penalties, pursuant to Section 3008(a)(1) of RCRA, as amended, 42 U.S.C. § 6928(a)(1).

The allegations being considered include violations of Section 3002 of RCRA, 42 U.S.C. § 6922; Section 3004 of RCRA, 42 U.S.C. § 6924; and 3005 of RCRA, U.S.C. § 6925, and the implementing regulations as specified below. The allegations against US Filter/Westates Carbon are:

- 1) failure to design or operate external liner system to contain 100% of the capacity of the largest tank within its boundary and contain run-on prior to June 29, 2001 as required by 40 CFR §265.193(e)(1)(i) and (ii);

- 2) failure to maintain the external liner system free of cracks or gaps as required by of 40 CFR §265.193(e)(1)(iii);
- 3) failure to comply with the closure and closure plan requirements of subpart G of 40 CFR §265 (e.g., failure to have a closure plan prior to June 19, 2001 whose content contained sufficient details identifying steps necessary to perform partial and/or final closure of the facility as required by 40 CFR §265.112(b)(4)) ;
- 4) failure to include the date and the nature of any repairs or other remedial actions on the daily inspection checklist as required by 40 CFR §265.15(d);
- 5) failure to close a drum in the satellite accumulation area as required by 40 CFR §262.34(c)(1)(i) and §265.173(a);
- 6) failure to mark a drum in the satellite accumulation area with the words, "Hazardous Waste" or with other words that identify the contents as required by 40 CFR §262.34 (c)(1)(ii); and
- 7) failure to maintain documents and records at the facility describing the duties and requisite skill, education or other qualifications of specific personnel assigned to make visible observations of stack plume emissions for normal appearance as required by 40 CFR §265.16(d)(2).

In anticipation of filing a Determination of Violation, Compliance Order and Notice of Right to Request a Hearing (hereinafter "Complaint") against US Filter/Westates Carbon, EPA is extending US Filter/Westates Carbon the opportunity to submit any information that EPA should consider before issuing the Complaint. Relevant information may include any evidence of reliance on compliance assistance, additional compliance tasks performed subsequently to the inspection, or financial factors bearing on US Filter/Westates Carbon's ability to pay a civil penalty.

We are also evaluating US Filter/Westates Carbon's status under the CERCLA Off-Site Rule and will consider the potential violations cited in this letter in determining the facility's status under the Rule. We will contact you in the near future regarding our determination.

It is EPA's intention to file a Complaint against US Filter/Westates Carbon within the next six weeks unless US Filter/Westates Carbon advises EPA of substantial reasons not to proceed. Please send the response by certified mail, return receipt requested, addressed to:

Kandice Bellamy (WST-3)
RCRA Enforcement Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

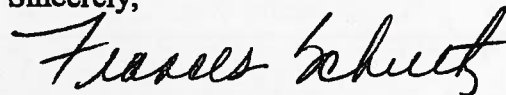
Any penalty proposed for violations of RCRA and its implementing regulations will be calculated pursuant to EPA's "RCRA Civil Penalty Policy." A copy of the "RCRA Civil Penalty Policy" is enclosed. Also enclosed is a copy of EPA's "Supplemental Environmental Projects Policy" ("SEP Policy"). EPA's SEP Policy describes the terms under which a commitment to perform an environmental project may mitigate, in part, an EPA civil penalty. EPA offers small businesses a wide variety of compliance assistance resources and tools designed to assist them to comply with Federal and State environmental laws. These resources and tools are contained in the enclosed fact sheet of supplemental information for small businesses subject to an U.S. EPA enforcement action. Also enclosed for your information are requirements of the Securities and Exchange Commission ("SEC") for "registrants" to provide information on environmental legal proceedings to the public. To determine the applicability of these requirements to your company you should seek competent legal counsel as described in the enclosed Notice.

EPA regulations governing confidentiality of business information are set forth in 40 CFR Part 2, Subpart B. For any portion of the information submitted which is entitled to confidential treatment, please assert a confidentiality claim according to 40 CFR § 2.203(b). If EPA determines that the information so designated meets the criteria set forth in 40 CFR § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 CFR Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with the response to this letter as a waiver of that claim. Information may be made available to the public by EPA without further notice.

EPA encourages US Filter/Westates Carbon to explore the possibility of a settlement. If you are interested in commencing settlement negotiations, please contact Kandice Bellamy at (415) 972-3304 by August 15, 2003 to schedule a meeting or conference call with Ms. Bellamy and the attorney assigned to this matter, Harrison Karr.

Thank you for your prompt attention to this matter. If you have any questions, please feel free to contact Kandice Bellamy of my staff at (415) 972-3304, or have your attorney contact Harrison Karr in the Office of Regional Counsel at (415) 972-3939.

Sincerely,



Frances Schultz, Manager
RCRA Enforcement Office

Enclosures

cc: Elena Etcitty, Colorado River Indian Tribes (w/o enc.)
Eric Shepard, Colorado River Indian Tribes (w/o enc.)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

JUN 30 2006

CERTIFIED MAIL NO. 7003 3110 0006 1997 9325
RETURN RECEIPT REQUESTED

Mr. Monte McCue
Director of Plant Operations
Siemens Water Technologies, Corp.
"Westates"
2523 Mutahar Street
P.O. Box 3308
Parker, AZ 85344

Re: In the matter of Siemens Water Technologies, Corp ("Westates")
Docket No. RCRA-9-2006- 0016

Dear Mr. McCue:

Enclosed is a copy of the fully executed Consent Agreement and Final Order which contains the terms of the settlement reached with the United States Environmental Protection Agency.

Westates' payment of the penalty and completion of the Compliance Tasks identified in the Consent Agreement and Final Order will close this case. If you have any questions regarding the rules, regulations and statutes which govern the proceedings terminated by the enclosed Consent Agreement and Final Order, please contact Kandice Bellamy at 415-972-3304.

Sincerely,


Jeff Scott, Director
Waste Management Division

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

2006 JUN 30 PM 12:03

U.S. EPA REGION IX
REGIONAL HEARING CLERK

In the matter of:

**SIEMENS WATER TECHNOLOGIES
CORP.**

EPA I.D. No. AZD 982 441 263

Respondent.

U.S. EPA Docket No.
RCRA-09-2006-0016

**CONSENT AGREEMENT
AND FINAL ORDER
PURSUANT TO
40 CFR SECTIONS
22.13 AND 22.18**

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22. Complainant is the United States Environmental Protection Agency, Region IX ("EPA"). Respondent is Siemens Water Technologies Corp., successor to Westates Carbon-Arizona, Inc. ("Westates").
2. Respondent owns and operates a facility located on the Colorado River Indian Reservation, near Parker, Arizona (the "Facility"). The Facility operations include treatment and reactivation of spent carbon that has been used to treat air emissions or contaminated groundwater. The Facility has applied for a RCRA permit and is operating under "interim status" under Section 3005(e) RCRA, 42 U.S.C. § 6925(e). The Facility's EPA Identification Number is AZD 982 441 263.
3. This Consent Agreement and Final Order pursuant to 40 C.F.R. Sections 22.13 and 22.18 ("CA/FO") simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent: (1) Failed to close containers of hazardous waste in violation of 40 C.F.R. § 265.173 (as referenced in § 262.34(c)(1)(I)); (2) Failed to include notations of observations and repairs in records of inspections of secondary containment in violation of 40 C.F.R. § 265.15; and (3) Failed to provide adequate secondary containment in violation of 265.193(e)(1)(I), (ii) and (iii). These alleged violations are all asserted by EPA to be in violation of Section 3001 et seq., of RCRA, 42 U.S.C. § 6921 et seq., and regulations adopted pursuant thereto.

B. JURISDICTION

4. Arizona is authorized to administer the hazardous waste management program in lieu of the federal program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271. However, the Facility is located within the Colorado River Indian Reservation, and the federal regulations apply here because Arizona is not authorized to administer its hazardous waste management program in Indian country. *See, e.g., 65 F.R. 64369, 64371 (Oct. 27, 2000).*
5. Respondent is a "person" as defined in 40 C.F.R. § 260.10.
6. Respondent is the "operator" of a facility as defined in 40 C.F.R. § 260.10.
7. Respondent is an interim status treatment and storage facility as defined in Section 3005(e) of RCRA, 42 U.S.C. § 6925(e).
8. Respondent is engaged in "storage" and "treatment" of hazardous waste as defined in 40 C.F.R. § 260.10.
9. At the Facility, Respondent stores and treats a number of hazardous wastes as defined by Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), 40 C.F.R. §§ 260.10 and 261.3. The principal waste stream accepted at the Facility is spent carbon, which is derived from various applications, including the treatment of air emissions and contaminated groundwater. The spent carbon may either be characteristically hazardous waste or listed hazardous waste.
10. On June 19-20, 2001, January 24, 2002, August 29, 2002, March 6-7, 2003, and February 12, 2004, EPA inspectors, accompanied by personnel from the Colorado River Indian Tribe Environmental Health Office, conducted RCRA compliance evaluation inspections ("CEIs") at the Facility.
11. Based upon the findings made during the CEIs, and additional information obtained subsequent to the CEIs, EPA alleges that Respondent has violated Sections 3004 and 3005 of RCRA, 42 U.S.C. §§ 6924, 6925, and therefore is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.
12. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders requiring compliance immediately or within a specified time for violation of any requirement of Subtitle C of RCRA, Section 3001 of RCRA et seq., 42 U.S.C. § 6921, et seq.
13. The Administrator has delegated the authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the EPA Regional Administrator for Region IX, who has redelegated this authority to the Director of the Waste Management Division.

C. ALLEGED VIOLATIONS

Count I

Failure to Close Containers of Hazardous Waste

14. Paragraphs 1 through 13 above are incorporated herein by this reference as if they were set forth here in their entirety.
15. 40 C.F.R. § 265.173(a) provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
16. During the June 2001 CEI, EPA inspectors allege they observed that Respondent was storing discarded samples of hazardous waste in an open drum in an area identified as a satellite accumulation area. Respondent was not engaged in adding or removing hazardous waste from the drum at the time of the CEI.
17. Therefore, EPA alleges that Respondent failed to comply with 40 C.F.R. § 265.173(a).

Count II

Failure to Comply with Inspection Requirements

18. Paragraphs 1 through 17 above are incorporated herein by this reference as if they were set forth here in their entirety.
19. 40 C.F.R. § 265.15 provides that the owner or operator must record inspections for malfunctions and deterioration, operator errors, and discharges, in an inspection log or summary, and that at a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repair or other remedial actions. 40 C.F.R. § 265.15(c) requires further that the owner or operator remedy any deterioration which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard.
- 20. During the CEIs, EPA inspectors observed that many of the cracks in the secondary containment had not been noted in the inspection log and they allege that they had not been remedied.
21. Therefore, EPA alleges that Respondent failed to comply with 40 C.F.R. § 265.15.

Count III
Failure to Comply with Secondary Containment Requirements

22. Paragraphs 1 through 21 above are incorporated herein by this reference as if they were set forth here in their entirety.
23. 40 C.F.R. §§265.193(e)(1)(I), (ii) and (iii) provide that external liner systems which function as secondary containment must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary, designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration, and must be free of cracks or gaps.
24. During the CEIs, EPA inspectors allege they observed that the secondary containment pad was not sufficient to contain the capacity of the largest tank within its boundary and the containment pad was not free of cracks or gaps. EPA also alleges that Respondent failed to demonstrate that the external liner system was designed or operated to prevent run-on or infiltration of precipitation as required.
25. Therefore, EPA alleges that Respondent failed to comply with 40 C.F.R. §§ 265.193(e)(1)(I), (ii) and (iii) .

D. COMPLIANCE TASKS

30. Secondary containment. Within one hundred eighty (180) days of the Effective Date of this CA/FO, Respondent shall install secondary containment for Tanks T-1, 2, 5 and 6 in accordance with the plans and calculations attached hereto as Exhibit 1 in order to meet the capacity requirements provided in Exhibit 1 and comply with the requirements of 40 CFR § 265.193. Respondent also shall, to the extent necessary, be authorized to provide for alternative secondary containment for Tanks T-1, 2, 5 and 6 on a temporary basis during construction and inspection of the new secondary containment.
31. Double-walled containment. Within one hundred eighty (180) days of the Effective Date of this CA/FO, Respondent shall replace H-18 with a double-walled tank that complies with the requirements of 40 CFR §§ 265.192 and 265.193. As the replacement of H-18 with the new tank would result in an increase in the design storage capacity of the facility, Respondent shall operate the new tank as a feed hopper to the reactivation furnace, and not as a storage tank, until such time as it either (I) submits a revised Part A permit application to EPA pursuant to 40 CFR § 270.72(a)(2), in which case EPA hereby acknowledges that the replacement of H-18 with the new tank, and the corresponding increase in the facility's design storage capacity, is necessary to comply with a Federal requirement as provided in 40 CFR § 270.72(a)(2)(ii), or (ii) obtains an EPA permit authorizing the use of the new tank for storage.

32. Inspection procedure. Within forty-five (45) days of the Effective Date of this CA/FO, Respondent shall submit a copy of a procedure which identifies with specificity the components of ancillary equipment to be inspected as provided in 40 C.F.R. §§ 265.193(f) and 265.15(b)(4). These components shall include the elements of the piping and other equipment involved in the movement of liquid from H-1 and H-2 to Tanks T1, 2, 5 and 6 and from Tanks T1, 2, 5 and 6 to H-18. The procedure will be part of the facility schedule for inspections as set forth in 40 CFR § 265.15(b), but will not be part of the inspection log as set forth in § 265.15(d) (i.e., the record of inspections will only identify that ancillary equipment outside of containment has been inspected, and will not identify the individual components of such equipment).
33. In the event that EPA disapproves of any actions taken by Respondent pursuant to Paragraphs 30, 31 or 32 above, EPA shall provide timely written comments to Respondent describing the reasons for such disapproval, and the regulatory basis therefor. Within thirty (30) calendar days of receipt of EPA's comments, or such other reasonable time frame as may be provided in EPA's comments, Respondent shall submit for EPA review and approval any revisions that may be necessary to comply with the applicable regulations in response to the comments received. If the resubmittal is not satisfactory to EPA on the basis that it does not comply with the applicable regulation and violates a requirement of this CA/FO, then Respondent will be deemed to be in violation of this CA/FO, provided, however, that any allegation of violation made by EPA which is not specifically set forth in this CA/FO shall not be deemed to be a violation of this CA/FO and any election by EPA to pursue a claim of violation for such new allegation shall not be subject to the provisions, admissions or waivers contained in this CA/FO. EPA in its sole discretion may allow Respondent more time to correct resubmitted information.

E. CIVIL PENALTY

34. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 and the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, (see 61 Fed. Reg. 69360 (Dec. 31, 1996)), authorizes a civil penalty of up to TWENTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$27,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 et seq. occurring on or after January 31, 1997 but before March 16, 2004, and a penalty of up to THIRTY-TWO THOUSAND, FIVE HUNDRED DOLLARS (\$32,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 et seq., occurring after March 15, 2004. Based upon the facts alleged herein and upon those factors which the Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the June 2003 RCRA Civil Penalty Policy, and the EPA Supplemental Environmental Project Policy ("SEP Policy"), the Complainant proposes that the Respondent be assessed and Respondent agrees to pay **TWENTY-SEVEN THOUSAND FIFTY-NINE DOLLARS (\$27,059)** as the civil penalty for the violations alleged herein. The proposed penalties were calculated in accordance with the June 2003 RCRA Civil Penalty Policy, as adjusted by the Debt Collection Improvement Act.

F. ADMISSIONS AND WAIVERS

35. Respondent neither admits nor denies any of the allegations, alleged violations, statements of fact or conclusions of law that are set forth in this CA/FO. Respondents' participation in this CA/FO is not and shall not be considered an admission of liability or a waiver of any defenses, and shall not be admissible in evidence against Respondent in any judicial or administrative proceeding other than a proceeding by EPA or the United States for the purpose of enforcing this CA/FO. Subject to the foregoing, Respondent admits and agrees for the sole purpose of entering into this CA/FO that the EPA Administrator and Region IX Administrator have jurisdiction and authority over the subject matter of the action commenced in this CA/FO and over Respondent pursuant to Section 3008 of RCRA, 42 U.S.C. §6928, and 40 C.F.R. §§22.4 and 22.37. Further, for the sole purposes of this proceeding, Respondent admits to the jurisdictional allegations of facts and law set forth in Section B of this CA/FO. Respondent consents to and agrees not to contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce its terms. Further, subject to the limitation set forth in Paragraph 33 above, Respondent will not contest EPA's jurisdiction and authority to compel compliance with this CA/FO in any enforcement proceedings, either administrative or judicial, or to impose sanctions for violations of this CA/FO.
36. Except for the limited purposes set forth in Paragraph 35 above, neither this CA/FO, nor Respondent's execution of this CA/FO, nor any actions taken by Respondent in accordance with this CA/FO constitute an admission or a denial of any alleged violations or allegations of fact or law set forth in this CA/FO. For the sole purpose of entering into this CA/FO to resolve the matters addressed herein, Respondent hereby agrees not to contest the allegations set forth in this CA/FO, waives any rights Respondent may have to a hearing on this CA/FO, including without limitation a hearing on this CA/FO pursuant to Section 3008(b) of RCRA, 42 U.S.C. §6928(b) and hereby consents to the issuance of this CA/FO without adjudication. In addition, Respondent hereby waives any rights Respondent may have to appeal the Final Order attached to this Consent Agreement and made part of this CA/FO.

G. PARTIES BOUND

37. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns and upon all persons acting under or for Respondent, until such time as the civil penalty required under Section E has been paid and the compliance tasks required under Section D have been fully completed. At such time as those matters are concluded, this CA/FO shall terminate and shall constitute full settlement of the violations alleged herein.
38. No change in ownership or corporate, partnership or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.

39. Respondent shall give notice of this CA/FO to any successor in interest prior to transfer of ownership or operation of the Facility, and shall notify EPA within seven (7) days prior to such transfer, until the termination of this CA/FO.
40. The undersigned representative of each party hereby certifies s/he is fully authorized by such party to enter into this CA/FO, to execute and to legally bind the party to it.

H. PAYMENT OF CIVIL PENALTY

41. Respondent consents to the assessment of and agrees to pay a civil penalty of **TWENTY-SEVEN THOUSAND FIFTY-NINE DOLLARS (\$27,059)** in full settlement of the civil penalty claims made in the CA/FO.
42. Respondent shall submit payment of the **\$27,059** civil penalty within thirty (30) calendar days of the Effective Date of this CA/FO. The Effective Date of this CA/FO is the date EPA files the Final Order with the Regional Hearing Clerk. EPA will provide prompt notice of the Effective Date to Respondent. All payments shall indicate the name of the Facility, EPA identification number of the Facility, the Respondent's name and address, and the EPA docket number of this action. Payment shall be made by check payable to the U.S. Environmental Protection Agency and sent to

Mellon Bank
U.S. Environmental Protection Agency - Region IX
P.O. Box 360863M
Pittsburgh, PA 15251

At the time payment is so made, a copy of the check shall be sent to:

Danielle Carr
Regional Hearing Clerk (ORC-1)
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105

and

Kandice Bellamy (WST-3)
Waste Management Division
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105

43. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), the payment must be received within thirty (30) calendar days of the Effective

Date of this CA/FO to avoid additional charges. If payment is not received within thirty (30) calendar days, interest will accrue from the Effective Date of this CA/FO at the current rate published by the United States Treasury as described at 40 C.F.R. § 13.11. A late penalty charge of \$15.00 will be imposed after thirty (30) calendar days with an additional \$15.00 charge for each subsequent 30-day period. A 6% per annum penalty will further apply on any principal amount not paid within ninety (90) calendar days of the due date. Respondent further will be liable for stipulated penalties as set forth below for any payment not received by its due date.

I. DELAY IN PERFORMANCE/STIPULATED PENALTIES

44. In the event Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties as set forth below. Compliance by Respondent shall include completion of each activity under this CA/FO in a manner reasonably acceptable to EPA and within the specified time schedules in and approved under this CA/FO.
45. For failure to submit a payment to EPA by the time required in this CA/FO: **FIVE HUNDRED DOLLARS (\$500)** per day for first to thirtieth day of delay, and **FIFTEEN HUNDRED DOLLARS (\$1,500)** per day for each day of delay thereafter.
46. For failure to submit a copy of the inspection procedure to EPA by the time required in this CA/FO: **FIVE HUNDRED DOLLARS (\$500)** per day for first to thirtieth day of delay, and **FIFTEEN HUNDRED DOLLARS (\$1,500)** per day for each day of delay thereafter.
47. For failure to implement the compliance tasks in accordance with the schedule in this CA/FO: **FIVE HUNDRED DOLLARS (\$500)** per day for first to thirtieth day of delay, and **FIFTEEN HUNDRED DOLLARS (\$1,500)** per day for each day of delay thereafter.
48. All stipulated penalties shall begin to accrue on the date following the day that performance is due, or the date that a violation occurs, and shall continue to accrue through the final day of correction of the noncompliance. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations.
49. All stipulated penalties owed to EPA under this Section shall be due within thirty (30) days of receipt of a notification of noncompliance. Such notification shall describe the noncompliance and shall indicate the amount of penalties due. Interest at the current rate published by the United States Treasury, as described at 40 C.F.R. § 13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.
50. Payment shall be made by check payable to U.S. Environmental Protection Agency, as described above in Paragraph 42. At the time payment is made, a copy of the check shall be sent to Danielle Carr and Kandice Bellamy as described above in Paragraph 42.

51. All payments shall indicate the name of the Facility, EPA identification number of the Facility, the Respondent's name and address, and the EPA docket number of this action.
52. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
53. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA by reason of Respondent's failure to comply with any of the requirements of this CA/FO.

J. RESERVATION OF RIGHTS

54. Other than Respondent's liability for civil penalties for the alleged violations of RCRA which are the subject matter of this CA/FO, which liability is resolved under this CA/FO, EPA hereby reserves (i) all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including the right to require that Respondent perform tasks in addition to those required by this CA/FO, and (ii) all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO, including without limitation, the assessment of penalties under Section 3008(c) of RCRA, 42 U.S.C. §6928(c). This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation of any rights, remedies, powers or authorities, civil or criminal, which EPA has under RCRA, except as to those alleged violations which are the subject matter of this CA/FO, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), or any other statutory, regulatory or common law enforcement authority of the United States.
55. Respondent reserves all rights that it may have against any other person under all federal, state and local laws.
56. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of its obligations to comply with RCRA or any other applicable local, State or federal laws and regulations.
57. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise preclude EPA from taking additional enforcement actions should EPA determine that such actions are warranted except as it relates to Respondent's liability for federal civil penalties for the specific alleged violations and facts as set forth in this CA/FO.
58. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does not relieve Respondent of any obligation to obtain and comply with any local, State, Tribal or federal permits.

K. OTHER CLAIMS

59. Except as provided in Paragraph 54, nothing in this CA/FO shall constitute or be construed as a release from any other claim, cause of action or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Facility.

L. MISCELLANEOUS

60. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.
61. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
62. The Effective Date of this CA/FO is the date the Final Order is filed with the EPA Regional Hearing Clerk.

IT IS SO AGREED.

6/15/06

Date

SIEMENS WATER TECHNOLOGIES CORP.

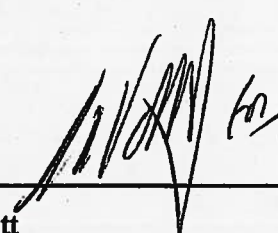
By,

[Signature]

(Name, title) DIRECTOR PLANT OPERATIONS

62606

Date



Jeff Scott
Director
Waste Management Division
United States Environmental Protection Agency,
Region IX

FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order ("CA/FO") (U.S. EPA Docket No. RCRA-09-2008-1) be entered and that Respondent complete all tasks required under this CA/FO (including, if applicable, the payment of the additional civil penalty which may become due under Section I of this CA/FO), and pay a civil penalty of **TWENTY-SEVEN THOUSAND FIFTY-NINE DOLLARS (\$27,059)** by check made out to U.S. Environmental Protection Agency, and sent to Mellon Bank, P.O. Box 360863M, Pittsburgh, PA, 15251, within thirty (30) days after the Effective Date of this Consent Agreement and Final Order. A copy of the check shall be sent to the EPA Region IX address specified in Section H of this Consent Agreement and Final Order within such 30-day period.

This Final Order shall be effective upon filing with the Regional Hearing Clerk.

6/30/06
Date

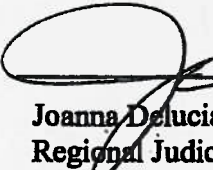

Joanna Delucia
Regional Judicial Officer
United States Environmental Protection Agency,
Region IX

Exhibit 1

T-Tank Containment Volume Calculations (2 Pages) Dated June 13, 2006
and
Containment Pad Plan (1 Page) Revision Dated May 23, 2006

NOTES

1. A FIELD SURVEY WAS NOT PERFORMED FOR THIS WORK. THE EXISTING CONDITIONS INFORMATION SHOWN HEREON WAS OBTAINED FROM 2 SETS OF PLANS AND SITE PHOTOS PROVIDED BY THE CLIENT. THE 2 SETS OF PLANS ARE:
 1) THE EXISTING PLANS TITLED "WESTATES CARBON, LOS ANGELES, CA 90040" FOR PROJECT IN PARCEL 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

2. THE CONTRACTOR IS TO REVEAL THE SITE AND ITS CONDITION BEFORE PROVIDING A PRICE AND AGAIN BEFORE BEGINNING CONSTRUCTION.
3. THE CONTRACTOR IS TO MOVE/RELOCATE ALL ITEMS AS NECESSARY TO DO THIS WORK. THE OWNER WILL INSTRUCT THE CONTRACTOR TO MOVE ITEMS AS NECESSARY. THE CONTRACTOR IS RESPONSIBLE FOR MOVING/RELOCATING DURING CONSTRUCTION AND WHICH ITEMS ARE TO BE MOVED BACK TO THE CONTAINMENT AREA AFTER CONSTRUCTION.
4. THE CONTRACTOR IS TO REMOVE THE EXISTING CONCRETE CONTAINMENT PAD IN ITS ENTIRETY FROM THE AREA. THE CONTRACTOR IS TO BE CONSTRUCTED.
5. THE CONTRACTOR IS TO UNCOVER THE EXISTING MAT FOUNDATION AND HAVE AN INDEPENDENT TESTING FIRM EXPANDED IN CONCRETE TESTING INSPECT THE EXISTING MAT FOUNDATION. THE CONTRACTOR IS TO PROVIDE TO THE OWNER A REPORT SAYING IF THE MAT FOUNDATION IS NOT DAMAGED PRIOR TO THE CONTRACTOR PROCEEDING WITH CONSTRUCTION.
6. SUMP-A-MB, USE NEWMAN FOUNDRY FRAME & GRATE #R-1878-BBG 24"x48" LIGHT DUTY. GRATE COMES IN 2 PARTS
7. ALL CONSTRUCTION JOINTS ARE TO CONTAIN WATERSTOPS, EXPANSION JOINT MATERIAL AND CAULK.
8. ON BOTH SIDES OF THE CONTAINMENT WALL WHERE THE CONCRETE PAD MEETS THE WALL, USE WATERSTOPS, EXPANSION JOINT MATERIAL AND CAULK.
9. SUMP-A TOP OF GRATE ELEVATION IS TO BE DETERMINED IN THE FIELD BY CREATING A SWALE ALONG THE CONTAINMENT WALL AT A MINIMUM SLOPE OF 1/8" PER FOOT FROM THE SW AND NW CORNER OF THE CONTAINMENT WALL SO THAT THE WATER DRAINS TO THE SUMP-A.

10. LEGEND
 TW 12.60 = TOP OF WALL ELEVATION
 TS 10.67 = TOP OF SLAB ELEVATION
 C = CONSTRUCTION JOINT
11. TRENDS ARE LEVEL, FLAT AND SAME ELEV. ON BOTH SIDES OF WALL
12. TALLEST SIZE
13. 10" x 10" x 1/2" TYP
14. 7/8" WIDE STEPS MAX ONLY
15. 2" WIDE STEPS 8-16" MAX
16. 4" WIDE STEPS 16-24" MAX
17. 6" WIDE STEPS 24-36" MAX
18. 8" WIDE STEPS 36-48" MAX
19. 10" WIDE STEPS 48-60" MAX
20. 12" WIDE STEPS 60-72" MAX
21. 14" WIDE STEPS 72-84" MAX
22. 16" WIDE STEPS 84-96" MAX
23. 18" WIDE STEPS 96-108" MAX
24. 20" WIDE STEPS 108-120" MAX
25. 22" WIDE STEPS 120-132" MAX
26. 24" WIDE STEPS 132-144" MAX
27. 26" WIDE STEPS 144-156" MAX
28. 28" WIDE STEPS 156-168" MAX
29. 30" WIDE STEPS 168-180" MAX
30. 32" WIDE STEPS 180-192" MAX
31. 34" WIDE STEPS 192-204" MAX
32. 36" WIDE STEPS 204-216" MAX
33. 38" WIDE STEPS 216-228" MAX
34. 40" WIDE STEPS 228-240" MAX
35. 42" WIDE STEPS 240-252" MAX
36. 44" WIDE STEPS 252-264" MAX
37. 46" WIDE STEPS 264-276" MAX
38. 48" WIDE STEPS 276-288" MAX
39. 50" WIDE STEPS 288-300" MAX
40. 52" WIDE STEPS 300-312" MAX
41. 54" WIDE STEPS 312-324" MAX
42. 56" WIDE STEPS 324-336" MAX
43. 58" WIDE STEPS 336-348" MAX
44. 60" WIDE STEPS 348-360" MAX
45. 62" WIDE STEPS 360-372" MAX
46. 64" WIDE STEPS 372-384" MAX
47. 66" WIDE STEPS 384-396" MAX
48. 68" WIDE STEPS 396-408" MAX
49. 70" WIDE STEPS 408-420" MAX
50. 72" WIDE STEPS 420-432" MAX
51. 74" WIDE STEPS 432-444" MAX
52. 76" WIDE STEPS 444-456" MAX
53. 78" WIDE STEPS 456-468" MAX
54. 80" WIDE STEPS 468-480" MAX
55. 82" WIDE STEPS 480-492" MAX
56. 84" WIDE STEPS 492-504" MAX
57. 86" WIDE STEPS 504-516" MAX
58. 88" WIDE STEPS 516-528" MAX
59. 90" WIDE STEPS 528-540" MAX
60. 92" WIDE STEPS 540-552" MAX
61. 94" WIDE STEPS 552-564" MAX
62. 96" WIDE STEPS 564-576" MAX
63. 98" WIDE STEPS 576-588" MAX
64. 100" WIDE STEPS 588-600" MAX
65. 102" WIDE STEPS 600-612" MAX
66. 104" WIDE STEPS 612-624" MAX
67. 106" WIDE STEPS 624-636" MAX
68. 108" WIDE STEPS 636-648" MAX
69. 110" WIDE STEPS 648-660" MAX
70. 112" WIDE STEPS 660-672" MAX
71. 114" WIDE STEPS 672-684" MAX
72. 116" WIDE STEPS 684-696" MAX
73. 118" WIDE STEPS 696-708" MAX
74. 120" WIDE STEPS 708-720" MAX
75. 122" WIDE STEPS 720-732" MAX
76. 124" WIDE STEPS 732-744" MAX
77. 126" WIDE STEPS 744-756" MAX
78. 128" WIDE STEPS 756-768" MAX
79. 130" WIDE STEPS 768-780" MAX
80. 132" WIDE STEPS 780-792" MAX
81. 134" WIDE STEPS 792-804" MAX
82. 136" WIDE STEPS 804-816" MAX
83. 138" WIDE STEPS 816-828" MAX
84. 140" WIDE STEPS 828-840" MAX
85. 142" WIDE STEPS 840-852" MAX
86. 144" WIDE STEPS 852-864" MAX
87. 146" WIDE STEPS 864-876" MAX
88. 148" WIDE STEPS 876-888" MAX
89. 150" WIDE STEPS 888-900" MAX
90. 152" WIDE STEPS 900-912" MAX
91. 154" WIDE STEPS 912-924" MAX
92. 156" WIDE STEPS 924-936" MAX
93. 158" WIDE STEPS 936-948" MAX
94. 160" WIDE STEPS 948-960" MAX
95. 162" WIDE STEPS 960-972" MAX
96. 164" WIDE STEPS 972-984" MAX
97. 166" WIDE STEPS 984-996" MAX
98. 168" WIDE STEPS 996-1008" MAX
99. 170" WIDE STEPS 1008-1020" MAX
100. 172" WIDE STEPS 1020-1032" MAX
101. 174" WIDE STEPS 1032-1044" MAX
102. 176" WIDE STEPS 1044-1056" MAX
103. 178" WIDE STEPS 1056-1068" MAX
104. 180" WIDE STEPS 1068-1080" MAX
105. 182" WIDE STEPS 1080-1092" MAX
106. 184" WIDE STEPS 1092-1104" MAX
107. 186" WIDE STEPS 1104-1116" MAX
108. 188" WIDE STEPS 1116-1128" MAX
109. 190" WIDE STEPS 1128-1140" MAX
110. 192" WIDE STEPS 1140-1152" MAX
111. 194" WIDE STEPS 1152-1164" MAX
112. 196" WIDE STEPS 1164-1176" MAX
113. 198" WIDE STEPS 1176-1188" MAX
114. 200" WIDE STEPS 1188-1200" MAX
115. 202" WIDE STEPS 1200-1212" MAX
116. 204" WIDE STEPS 1212-1224" MAX
117. 206" WIDE STEPS 1224-1236" MAX
118. 208" WIDE STEPS 1236-1248" MAX
119. 210" WIDE STEPS 1248-1260" MAX
120. 212" WIDE STEPS 1260-1272" MAX
121. 214" WIDE STEPS 1272-1284" MAX
122. 216" WIDE STEPS 1284-1296" MAX
123. 218" WIDE STEPS 1296-1308" MAX
124. 220" WIDE STEPS 1308-1320" MAX
125. 222" WIDE STEPS 1320-1332" MAX
126. 224" WIDE STEPS 1332-1344" MAX
127. 226" WIDE STEPS 1344-1356" MAX
128. 228" WIDE STEPS 1356-1368" MAX
129. 230" WIDE STEPS 1368-1380" MAX
130. 232" WIDE STEPS 1380-1392" MAX
131. 234" WIDE STEPS 1392-1404" MAX
132. 236" WIDE STEPS 1404-1416" MAX
133. 238" WIDE STEPS 1416-1428" MAX
134. 240" WIDE STEPS 1428-1440" MAX
135. 242" WIDE STEPS 1440-1452" MAX
136. 244" WIDE STEPS 1452-1464" MAX
137. 246" WIDE STEPS 1464-1476" MAX
138. 248" WIDE STEPS 1476-1488" MAX
139. 250" WIDE STEPS 1488-1500" MAX
140. 252" WIDE STEPS 1500-1512" MAX
141. 254" WIDE STEPS 1512-1524" MAX
142. 256" WIDE STEPS 1524-1536" MAX
143. 258" WIDE STEPS 1536-1548" MAX
144. 260" WIDE STEPS 1548-1560" MAX
145. 262" WIDE STEPS 1560-1572" MAX
146. 264" WIDE STEPS 1572-1584" MAX
147. 266" WIDE STEPS 1584-1596" MAX
148. 268" WIDE STEPS 1596-1608" MAX
149. 270" WIDE STEPS 1608-1620" MAX
150. 272" WIDE STEPS 1620-1632" MAX
151. 274" WIDE STEPS 1632-1644" MAX
152. 276" WIDE STEPS 1644-1656" MAX
153. 278" WIDE STEPS 1656-1668" MAX
154. 280" WIDE STEPS 1668-1680" MAX
155. 282" WIDE STEPS 1680-1692" MAX
156. 284" WIDE STEPS 1692-1704" MAX
157. 286" WIDE STEPS 1704-1716" MAX
158. 288" WIDE STEPS 1716-1728" MAX
159. 290" WIDE STEPS 1728-1740" MAX
160. 292" WIDE STEPS 1740-1752" MAX
161. 294" WIDE STEPS 1752-1764" MAX
162. 296" WIDE STEPS 1764-1776" MAX
163. 298" WIDE STEPS 1776-1788" MAX
164. 300" WIDE STEPS 1788-1800" MAX
165. 302" WIDE STEPS 1800-1812" MAX
166. 304" WIDE STEPS 1812-1824" MAX
167. 306" WIDE STEPS 1824-1836" MAX
168. 308" WIDE STEPS 1836-1848" MAX
169. 310" WIDE STEPS 1848-1860" MAX
170. 312" WIDE STEPS 1860-1872" MAX
171. 314" WIDE STEPS 1872-1884" MAX
172. 316" WIDE STEPS 1884-1896" MAX
173. 318" WIDE STEPS 1896-1908" MAX
174. 320" WIDE STEPS 1908-1920" MAX
175. 322" WIDE STEPS 1920-1932" MAX
176. 324" WIDE STEPS 1932-1944" MAX
177. 326" WIDE STEPS 1944-1956" MAX
178. 328" WIDE STEPS 1956-1968" MAX
179. 330" WIDE STEPS 1968-1980" MAX
180. 332" WIDE STEPS 1980-1992" MAX
181. 334" WIDE STEPS 1992-2004" MAX
182. 336" WIDE STEPS 2004-2016" MAX
183. 338" WIDE STEPS 2016-2028" MAX
184. 340" WIDE STEPS 2028-2040" MAX
185. 342" WIDE STEPS 2040-2052" MAX
186. 344" WIDE STEPS 2052-2064" MAX
187. 346" WIDE STEPS 2064-2076" MAX
188. 348" WIDE STEPS 2076-2088" MAX
189. 350" WIDE STEPS 2088-2100" MAX
190. 352" WIDE STEPS 2100-2112" MAX
191. 354" WIDE STEPS 2112-2124" MAX
192. 356" WIDE STEPS 2124-2136" MAX
193. 358" WIDE STEPS 2136-2148" MAX
194. 360" WIDE STEPS 2148-2160" MAX
195. 362" WIDE STEPS 2160-2172" MAX
196. 364" WIDE STEPS 2172-2184" MAX
197. 366" WIDE STEPS 2184-2196" MAX
198. 368" WIDE STEPS 2196-2208" MAX
199. 370" WIDE STEPS 2208-2220" MAX
200. 372" WIDE STEPS 2220-2232" MAX
201. 374" WIDE STEPS 2232-2244" MAX
202. 376" WIDE STEPS 2244-2256" MAX
203. 378" WIDE STEPS 2256-2268" MAX
204. 380" WIDE STEPS 2268-2280" MAX
205. 382" WIDE STEPS 2280-2292" MAX
206. 384" WIDE STEPS 2292-2304" MAX
207. 386" WIDE STEPS 2304-2316" MAX
208. 388" WIDE STEPS 2316-2328" MAX
209. 390" WIDE STEPS 2328-2340" MAX
210. 392" WIDE STEPS 2340-2352" MAX
211. 394" WIDE STEPS 2352-2364" MAX
212. 396" WIDE STEPS 2364-2376" MAX
213. 398" WIDE STEPS 2376-2388" MAX
214. 400" WIDE STEPS 2388-2400" MAX
215. 402" WIDE STEPS 2400-2412" MAX
216. 404" WIDE STEPS 2412-2424" MAX
217. 406" WIDE STEPS 2424-2436" MAX
218. 408" WIDE STEPS 2436-2448" MAX
219. 410" WIDE STEPS 2448-2460" MAX
220. 412" WIDE STEPS 2460-2472" MAX
221. 414" WIDE STEPS 2472-2484" MAX
222. 416" WIDE STEPS 2484-2496" MAX
223. 418" WIDE STEPS 2496-2508" MAX
224. 420" WIDE STEPS 2508-2520" MAX
225. 422" WIDE STEPS 2520-2532" MAX
226. 424" WIDE STEPS 2532-2544" MAX
227. 426" WIDE STEPS 2544-2556" MAX
228. 428" WIDE STEPS 2556-2568" MAX
229. 430" WIDE STEPS 2568-2580" MAX
230. 432" WIDE STEPS 2580-2592" MAX
231. 434" WIDE STEPS 2592-2604" MAX
232. 436" WIDE STEPS 2604-2616" MAX
233. 438" WIDE STEPS 2616-2628" MAX
234. 440" WIDE STEPS 2628-2640" MAX
235. 442" WIDE STEPS 2640-2652" MAX
236. 444" WIDE STEPS 2652-2664" MAX
237. 446" WIDE STEPS 2664-2676" MAX
238. 448" WIDE STEPS 2676-2688" MAX
239. 450" WIDE STEPS 2688-2700" MAX
240. 452" WIDE STEPS 2700-2712" MAX
- 24

**T-TANK CONTAINMENT VOLUME CALCULATIONS
US FILTER WESTATES CARBON
PARKER, AZ**

| CONTAINMENT VOLUME BELOW TOP OF PIERS | | | | | |
|---------------------------------------|----------------------|-------------------------|---------------------|-------------------------|----------|
| ELEV (FT) | DIFF ELEV (FT) | SURFACE AREA (SF) | AVE AREA (SF) | GROSS VOLUME (CF) | |
| TOP OF GRATE | | 8.00 | | | |
| | 0.07 | | 20.49 | 1.43 | |
| | | 32.97 | | | |
| | 0.04 | | 45.39 | 1.82 | |
| | | 57.81 | | | |
| | 0.13 | | 246.37 | 32.03 | |
| | | 434.92 | | | |
| | 0.03 | | 486.21 | 14.56 | |
| | | 537.50 | | | |
| | 0.21 | | 768.04 | 181.50 | |
| | | 1,000.57 | | | |
| TOP OF PIER | 0.92 | | 1,000.57 | 920.52 | |
| | | 1,000.57 | | | |
| GROSS VOLUME TOTAL = | | | | | 1,131.88 |
| LESS PIER VOLUME = | | | | | 45.10 |
| LESS STEP AND PLATFORM WALL VOLUME = | | | | | 21.83 |
| NET VOLUME TO TOP OF PIERS = | | | | | 1,065.16 |

| PIER VOLUME | | | | | |
|------------------|---------------------------|---------------------------|-----------------|-------------------------|----------------|
| TOP ELEV | AVERAGE BOTTOM ELEV | AVERAGE HEIGHT (FT) | SIZE (FTXFT) | SURFACE AREA (SF) | VOLUME (CF) |
| PIER #1 | 12.00 | 10.69 | 1.31 2 X 2 | 4.00 | 5.24 |
| PIER #2 | 12.00 | 10.78 | 1.22 2 X 2.5 | 5.00 | 6.10 |
| PIER #3 | 12.00 | 10.78 | 1.22 2 X 2.5 | 5.00 | 6.10 |
| PIER #4 | 12.00 | 10.87 | 1.13 2 X 2 | 4.00 | 4.52 |
| PIER #5 | 12.00 | 10.87 | 1.13 2 X 2 | 4.00 | 4.52 |
| PIER #6 | 12.00 | 10.87 | 1.13 2 X 2 | 4.00 | 4.52 |
| PIER #7 | 12.00 | 10.97 | 1.03 2 X 2.5 | 5.00 | 5.15 |
| PIER #8 | 12.00 | 10.97 | 1.03 2 X 2.5 | 5.00 | 5.15 |
| PIER #9 | 12.00 | 11.05 | 0.95 2 X 2 | 4.00 | 3.80 |
| TOTAL FOR PIERS= | | | | 40.00 | 45.10 |

STEP VOLUMES OCCUR BELOW TOP OF PIERS
 PEDISTAL SIDE WALLS VOLUMES OCCUR ABOVE AND BELOW TOP OF PIERS
 PEDISTAL PLATFORM ONLY OCCURS ABOVE TOP OF PIER
 4' STEP VOLUME = 1.33 SF X 4 FT X 2 = 10.64 CF
 8' STEP VOLUME = 1.07 SF X 8 FT = 8.56 CF
 EAST PLATFORM WALL BELOW TOP OF PIER = 2.21' X 1.09' X .5' = 1.20 CF
 WEST PLATFORM WALL BELOW TOP OF PIER = 2.29' X 1.07' X .5' = 1.23 CF
 TOTAL STEP AND PLATFORM WALL VOLUME BELOW TOP OF PIERS = 21.63 CF
 PLATFORM WALL AREA ABOVE TOP OF PIER = (2.21'+2.29') X .5' = 2.25 SF
 PLATFORM AREA ABOVE TOP OF PIER = (2.21'+2.29') / 2 X 3' = 6.75 SF

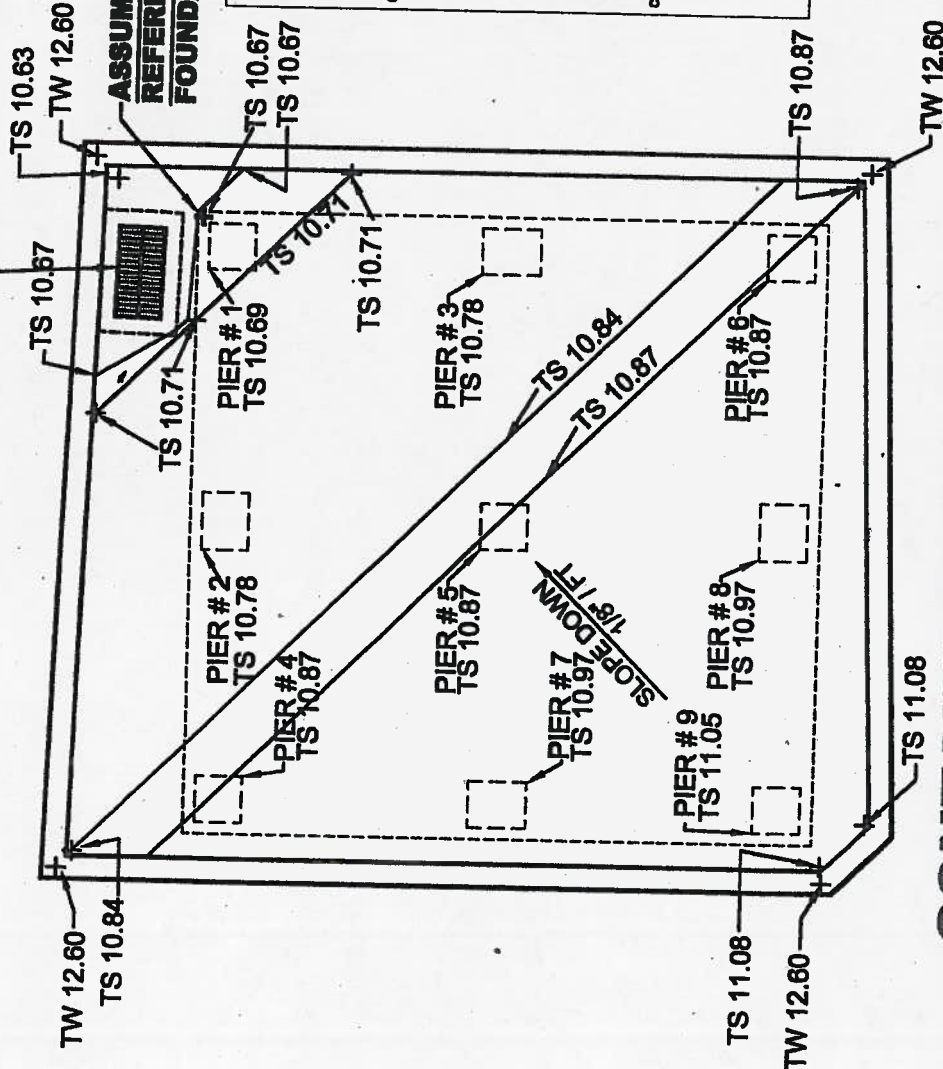
NOTES:

1. FOR EASE OF CALCULATION AND BEING CONSERVATIVE, ASSUME PIER SURFACE AREA REMAINS CONSTANT TO ACCOUNT FOR THE SUPPORT STEEL
2. RESULTANT SURFACE AREA TAKING OUT PIER SURFACE AREA= 1,000.57 SF - 40 SF = 960.57 SF
3. FROM ELEV 12.00 TO ELEV 12.10 PLATFORM WALL SURFACE AREA= 2.25 SF
4. RESULTANT SURFACE AREA FROM ELEV 12.00 TO ELEV 12.10= 960.57 SF - 2.25 SF = 958.32 SF
5. FROM ELEV 12.10 TO ELEV 12.60 PLATFORM SURFACE AREA= 6.75 SF
5. RESULTANT SURFACE AREA FROM ELEV 12.10 TO ELEV 12.60= 958.32 SF - 6.75 SF = 951.57 SF

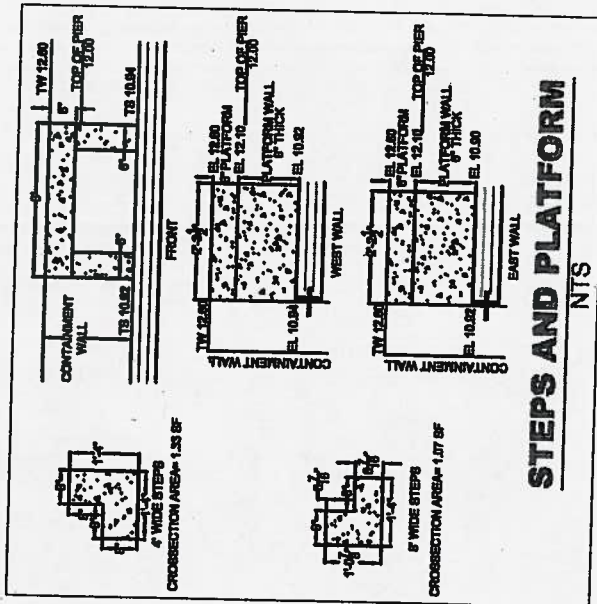
| CONTAINMENT VOLUME ABOVE TOP OF PIERS | | | | | |
|---|----------------------|-------------------------|---------------------|------------------------------|-------------------------------|
| ELEV (FT) | DIFF ELEV (FT) | SURFACE AREA (SF) | AVE AREA (SF) | CUMULATIVE VOLUME (CF) | CUMULATIVE VOLUME (GAL) |
| TOP OF PIER | | 958.32 | | | |
| | 0.10 | | 958.32 | 1,085 | 7,967 |
| | | 958.32 | | | |
| | | 951.57 | | 1,161 | 8,684 |
| | 0.17 | | 951.57 | 1,323 | 9,894 |
| | | 951.57 | | | |
| | 0.33 | | 951.57 | 1,637 | 12,243 |
| TOP OF WALL | | 951.57 | | | |
| TOTAL CONTAINMENT VOLUME TO TOP OF WALL = | | | | | 12,243 GALLONS |

| T-TANK CONTAINMENT VOLUME REQUIRED | | | |
|---|---------------------------|---------------|--------------|
| LARGEST RCRA TANK VOLUME= | | 8,319 GALLONS | |
| 25-Year, 24 Hour Rain Event (PARKER, AZ) = 2.45 inches (Per ASU Office of Climatology) | | | |
| GROSS SURFACE AREA (SF) | RAIN DEPTH (INCHES) | VOL (CF) | VOL (GAL) |
| 1,000.57 | 2.45 | 204 | 1,528 |
| TANK VOLUME= | | 8,319 GALLONS | |
| RAINFALL VOLUME= | | 1,528 GALLONS | |
| TOTAL REQUIRED VOLUME= | | 9,847 GALLONS | |

SUMP-B: 2'X4' GRATE
TOP OF GRATE= 10.60



ASSUMED ELEVATION 10.00'
REFERENCE: TOP OF EXISTING MAT
FOUNDATION IN NE CORNER



STEPS AND PLATFORM

NTS

CONTAINMENT VOLUME CALCULATION PLAN

GRAPHIC SCALE

SCALE: 1/8"=1'



IN THE MATTER OF: SIEMENS WATER TECHNOLOGIES CORP. (Westates)
DOCKET NO: RCRA-9-2006-0016

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the foregoing **CONSENT AGREEMENT AND FINAL ORDER PURSUANT TO 40 CFR SECTIONS 22.13 AND 22.18** was filed with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 9, Mail Code ORC-1, 75 Hawthorne St., San Francisco, CA 94105, and that a true copy of the same was sent by Certified Mail, Return Receipt Requested to:

Mr. Monte McCue
Director of Plant Operations
Siemens Water Technologies Corp./Westates
2523 Mutahar Street
P.O. Box 3308
Parker, AZ 85344

July 5, 2006
Date

Danielle E Carr
Danielle Carr
Regional Hearing Clerk